

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
SOUTHERN DIVISION

WILLIE McCRAY, #183709,	)	
	)	
Petitioner,	)	
	)	
v.	)	CASE NO. 1:06-CV-1107-WKW
	)	
WILLIE THOMAS, et al.,	)	
	)	
Respondents.	)	

**ORDER**

Upon review of the supplemental answer filed by the respondents on April 24, 2007, and as this response fails to adequately address the fundamental miscarriage of justice claim set forth by the petitioner, it is

ORDERED that on or before May 8, 2007 the respondents shall file a supplemental answer which addresses the petitioner's argument that to bar review of his petition by application of the limitation period would constitute a fundamental miscarriage of justice because he is innocent of the crime for which he was charged and convicted since the indictment, as amended, does not charge an offense.

Done this 24th day of April, 2007.

/s/ Susan Russ Walker  
SUSAN RUSS WALKER  
UNITED STATES MAGISTRATE JUDGE